

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARLENE WILKES,

Plaintiff,
-against-

ORDER
CV 07-758 (ARL)

SEARS HOLDING CORPORATION, et al.,

Defendants.

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LINDSAY, Magistrate Judge:

The plaintiff's motion to preclude the defendants from asserting that she was the worst performing Director of Stores, that her stores showed the least improvement, or that she was going in the wrong direction (or words to that effect) is denied. In addition, the plaintiff may not call William Signorelli, Andy Mollo or Marcia Joseph as trial witnesses. These witnesses were not identified during discovery and were not included in the joint pretrial order adopted by the court in January 2008. Accordingly, the plaintiff may not now seek to introduce their testimony at trial.

Dated: Central Islip, New York
July 15, 2009

SO ORDERED:

/s/

ARLENE R. LINDSAY
United States Magistrate Judge